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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,935	01/02/2004	Philip S. Siegel	067439.0158	1902

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BAKER BOTTS L.L.P.
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EXAMINER

SHAAWAT, MUSSA A

ART UNIT	PAPER NUMBER
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3627

NOTIFICATION DATE	DELIVERY MODE
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11/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/750,935	Applicant(s) SIEGEL, PHILIP S.	
	Examiner MUSSA A. SHAAWAT	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,11-15,17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,11-15,17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Supplemental Action

1. This communication is in response to the amendment filed on 07/31/2008. Claims 1, 15, 17, 19-21 and 26-27 have been amended. Claims 3, 8, 10, 16 and 18 have been cancelled. Claims 1-2, 4-7, 9, 11-15, 17, and 19-27 are pending examination.

2. This action is supplemental to the previous final rejection; please disregard the previous final rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-7, 9, 11-15, 17, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arganbright in view of Roman et al., US PG Pub. No. (US 2002/0010634 a1) and in further view of Cybul et al., US Patent No. (6246997) referred to hereinafter as Cybul.

5. Claim 1: Arganbright teaches a method of using a computer system for on-line processing of merchandise returns *for a plurality of merchants*, comprising the steps of: *Storing a set of return rules in a database for each of the plurality of merchants (see at least col.62 line 51-col.63 line 10, downloading (information is stored in a database or memory) satisfaction guarantees i.e. rules of returning a merchandise)*; receiving, via the Internet, a return request representing a request by a customer to initiate a return of

at least one item of merchandise, (see col.63 8-11); and processing the return in accordance with the set of return rules associated with the merchant (see col.63 1-10, user reviews the satisfaction guarantee rules).

Arganbright does not expressly teach using the set of return rules associated with the identified merchant and the transaction information to validate the return; upon validating the return, electronically delivering data about the customer to the merchant associated with the return.

However, Roman teach using the set of return rules associated with the identified merchant and the transaction information to validate the return; upon validating the return, electronically delivering data about the customer to the merchant associated with the return (see at least Para [0021]-[0023]). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Roman into the disclosure of Arganbright in order to prevent the invalid return of merchandise.

In addition neither Arganbright nor Roman expressly teach gathering transaction history data associated with the customer from a computerized database; displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history; and *receiving, from a customer, an electronic selection by a click on the particular item of merchandise, the electronic selection identifying the particular item of merchandise.*

However Cybul teaches accessing or gathering previous shopping history or transaction history data associated with a consumer from a computerized database (see

at least Abstract, and col.4 lines 40-50); displaying the previous transaction or shopping history via a web browser interface where the previous shopping history is associated with the consumer (see at least col.3 line 65-col.4 lines 15); in response to displaying the transaction history associated with the consumer, receiving an electronic selection of a particular of at least an item by the consumer using the browser interface, the electronic selection comprising a click on the particular item of merchandise and identifying the particular item of merchandise (see at least col.4 lines 25-35, consumer selecting previous shopping history). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cybul into the disclosure of Arganbright in view of Roman in order to provide the consumer with the option to return items via internet or online.

Claim 2: Arganbright teaches a method of claim 1, wherein the receiving step is performed via an Internet access tool associated with the customer, (see col.63 lines 5-8).

Claim 4: Arganbright does not expressly teach the step of determining whether the return is valid prior to the downloading step. However Roman teaches the step of determining whether the return is valid prior to the downloading step (see pp 0016 line 2 submitted return is analyzed for fraud against a database). It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Roman into the disclosure of Arganbright in order to prevent the invalid return of merchandise.

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Claim 5: official notice is taken regarding the old and notorious practice of giving notice to customer that the request has been rejected and is made final.

Claim 6: Arganbright teaches a method of claim 1, wherein the processing step is performed by determining disposition of the item, (see col.63 lines 1-10).

Claim 7: Arganbright teaches a method of claim 1, wherein the processing step is performed by determining a shipping destination of the item, (see col.63 lines 29-31).

Claim 9: official notice is taken regarding the old and notorious practice of crediting an account of the customer.

Claim 11: Arganbright teaches a method of claim 1, further comprising the step of providing a user interface to the customer, via an Internet access tool, wherein the user interface displays information associated with return of one or more items purchased by the customer, (see col.63 lines 1-11).

Claim 12: Arganbright teaches a method of claim 11, wherein the user interface displays a list of transactions associated with the customer, listing items for potential return by the customer, (see col.63 lines 1-11).

Claim 13: Arganbright teaches a method of claim 1, further comprising the step of downloading a return label to the customer via the Internet, (see col.63 lines 23-35).

Claim 14: Arganbright teaches a method of claim 1, further comprising the step of notifying a shipping agent of the return, (see col.63 lines 23-35).

Claim 25: Arganbright teaches a method of claim 24, wherein the system is further programmed to electronically provide the merchant with information about the customer, (see col.46 lines 35-53).

Claims 15, 17, 19-24, and 26-27, the limitations of claims 15, 17, 19-24, and 26-27 are similar to the limitations of claims 1 and 25, therefore claims 15, 17, 19-24, and 26-27 are rejected based on the same rationale.

Response to Arguments

6. Applicant's arguments have been considered but are not persuasive. In particular applicant argues, A) the cited references do not disclose, teach, or suggest "receiving from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing."; B) the combination does not teach, disclose or suggest "using the set of return rules associated with the identified merchant and the transaction information to validate the return"; C) the combination does not disclose, teach, or suggest "in response to receiving the return

request from the customer, gathering transaction history data associated with the customer from a computerized database".

In response to A) the examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Arganbright teaches receiving from the consumer an electronic request to initiate return processing (see at least col. 63 lines 1-35). In addition receiving an electronic selection of a particular item of merchandise by the consumer using the browser interface, the electronic selection comprising a click on the particular item of merchandise and identifying the particular item of merchandise (see at least col.4 lines 25-35, consumer selecting previous shopping history). Therefore, Arganbright in view of Cybul still meet the scope of the limitation as currently claimed.

In response to B) the examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Roman teaches wherein the transaction information associated with the item is verified against the pre-authorized acceptance policy i.e. rules of merchant. Therefore, Arganbright in view of Roma in further view of Cybul still meet the scope of the limitation as currently claimed.

In response to C) the examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Cybul teaches accessing a computerized database to obtain the shopping or transaction history associated with the consumer (see at least Abstract, and col.4 lines 40-50). Therefore, Arganbright in view of Roman in further view of Cybul still meet the scope of the limitation as currently claimed.

Examine note: The official notice statement recited in the previous office action dated, ***is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. See, MPEP 2144.02. Furthermore the Official Notice Traversal is no longer seasonable, therefore the Official Notice is considered to be admitted prior art.***

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form 892 for cited references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mussa A Shaawat/
Examiner, Art Unit 3627
November 15, 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627